IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.683 OF 2007.

Smt. Vibhuti Vilas Jadhav & Anr. ..Petitioners
V/s
The State of Maharashtra & Ors. ..Respondents.

Mr.R.V. Bansode, Advocate for the petitioners
Mr. Amol Patankar for respondent No.s 3,4 and 5.
Mr. Ganesh Gole for respondent No.8.
Mr. Sarang Kotwal for Prashant Kambre (Witness)
Mrs. M.H Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 3RD MAY, 2007.

P.C.

. Heard Mr. Bansode, learned Counsel for the petitioners, Mr.Gole, learned Counsel for respondent Nos. 2 to 8 and Mrs. Mhatre, APP for the State.

2. Sessions Case NO.40/2006 is pending trial before the learned 3rd Ad-hoc Additional Sessions Judge, Thane about murder of one Vilas Jadhav. After 19 prosecution witnesses were examined this petition came to be filed by the petitioner Nos. 1 and 2, who are widow and mother of deceased Vilas Jadhav. It was alleged that two important prosecution witnesses Devidas Kharge and Prashant Kambre had turned hostile because of pressure

and influence brought by the accused persons. A request was made to investigate the matter and to produce the hostile witnesses before the Court, so that they could give true evidence before the Court. As the matter was at the advance stage of the trial, by order dated 13th April, 2007, this Court directed the petitioners to file affidavit of these two witnesses in support of their contention that they were pressurised. However the petitioner could not file affidavit of these two witnesses but affidavit of Vanita Ramesh Kambre, mother of P.W. Prashant was filed on 24th April, 2007 to the effect that P.W. Prashant and his wife were confined and beaten up and they were under tremendious mental pressure not to depose the truth and she also alleged that after recording the evidence of Prashant, he had disappeared and she apprehended that he might have been confined by the accused persons. In view of this affidavit, on 24th April, 2007, this Court directed the Commissioner of Police to make arrangement for search and for production of Prashant Ramesh Kambre before this Court on 30th April, 2007. On next day i.e. 25th April, 2007, said Prashant filed his own affidavit denying all the allegations made in the writ petition, as well as in the affidavit of his mother. On last date

he was present before this Court. Today also he is present along with Mr. S.V. Kotwal, Advocate.

4. In view of the affidavit filed by Prashant before this Court denying all the allegations made in the writ petition and the affidavit of his mother, I find that no further action is required in the present writ petition.

5. By this petition, the petitioners also sought brain mapping of the accused persons to find out the truth. The incident pertaining to this case had taken place in July, 2004 and after investigation charge-sheet was filed. By this time all the prosecution witnesses have been already examined. At this stage, it will be futile to give direction to the police to investigate the case again by taking up the brain mapping of the accused persons for which no justifiable reason is given.

6. The petition stands dismissed summarily.

(J.H. BHATIA, J.)